

**CHAPTER 20****HOME OCCUPATIONS**

- Section 20.010. Purpose.
- Section 20.020. Requirements of Approval.
- Section 20.030. Employees.
- Section 20.040. Patrons.
- Section 20.050. Prohibited Home Occupations.
- Section 20.060. Appeals.
- Section 20.070. Noncompliance and Revocation.
- Section 20.080. Business License Required.

**Section 20.010. Purpose.** *(amended 03/28/00; 01/08/13)*

It is the intent of Lehi City to encourage business activities in appropriate commercial districts. Business activities may be conducted within a residence on a limited basis provided that the proposed activity complies with the standards and provisions of this Chapter. All home occupations shall be secondary and incidental to the residential use of the structure. All home occupation activities shall occur completely within the residential structure and not out of doors or in any accessory building, such as a garage, shed or shop. Any home occupation, which would alter the residential nature of the immediate vicinity, shall be denied. Home occupations are a temporary privilege that can be revoked at any time if disruption of the residential neighborhood occurs, or if the applicant fails to comply with any condition of approval.

**Section 20.020. Requirements of Approval.**

*(amended 03/28/00; 8/10/04; 12/08/09; 01/08/13; 03/11/14)*

In order to protect the character of residential neighborhoods in the City, a Home Occupation permit shall be obtained prior to use of a residential dwelling for a business. An application for a home occupation permit may be approved if the following procedures have been complied with and the following conditions met:

- A. The applicant for a home occupation resides in the residence for which the permit is being sought;
- B. The home occupation shall not require alterations to the exterior of the residence and the residence shall maintain the general character and appearance of a residential dwelling;
- C. The home occupation shall not occupy more than 400 square feet, or 25% of the total floor area of the dwelling, whichever is less;
- D. The home occupation shall not occupy any space in any attached or unattached garage or accessory building on the parcel. The home occupation may not

occupy any area outside of the dwelling, except as required by Utah Admin. Code § R430-50-1, *et seq.*;

E. Application for a home occupation shall not be approved prior to a Lehi City Certificate of Occupancy being issued for the residence;

F. The applicant must purchase a Lehi City Business License for a home occupation on an annual basis;

G. Advertising signs or product displays for a home occupation are not permitted;

H. No more than one home occupation shall be approved per residence unless the applicant can demonstrate that the additional home occupation(s) will not impact the residential nature of the area;

I. The applicant shall provide ample off-street parking for any vehicles related to the home occupation. No on-street parking related to the business is allowed, nor shall any business activities create a demand for on-street parking;

J. There shall be no storage or parking of tractor trailers, semi-trucks, or other heavy equipment on the premises or on the streets in the vicinity of the premises of a home occupation, except that not more than one truck of one-ton capacity or less may be parked during off hours;

K. In order to provide protection that the home occupation, once authorized, will not become a nuisance to the neighbors, the Zoning Administrator may impose operating conditions, initially and also subsequently, to protect the public health, safety, peace, and welfare of the residents of the surrounding residential area;

L. The home occupation shall be clearly incidental and secondary to the residential use of the dwelling and must not change the character of the building from common residential uses;

M. Activities in connection with the home occupation shall not be in conflict with the objectives and characteristics of the district in which the home occupation is located;

N. If the applicant for a home occupation is not the legal owner of the residence, the applicant shall present, in writing, permission from the legal owner of the residence to conduct the activities proposed.

**Section 20.030. Employees.***(amended 03/28/00; 01/08/13)*

A. Permanent residents of the dwelling for which a home occupation has been approved may be employed in such residence without constraint.

B. Recognizing that for the purposes of some home occupation activities additional employees are necessary or practical, the City may allow one (1) employee not residing on the premises, during appropriate daytime business hours to work at the location of a home occupation. Off-street parking will be required for all on-premise employees of an approved home occupation.

C. Off-premise employees shall not be allowed to frequent the premise of a home occupation.

**Section 20.040. Patrons.** *(amended 07/18/02; 8/10/04; 01/08/13; 03/11/14)*

A. For purposes of this Section, a home occupation should not create the demand for more than two (2) patrons per hour, with the exception of daycare and in-home child instruction. Off-street parking will be required for all patrons of an approved home occupation.

B. In the case of in-home child instruction (including, but not limited to preschools, dance, music, art instruction, etc.), there cannot be more than twelve (12) children at one time, nor shall there be more than two (2) classes/sessions per day.

C. In the case of child day care, the total number of children that may be allowed in attendance at one time must conform to the Utah State Regulations for residential child care found at Utah Admin. Code § R430-50-1, *et seq.* In order to maintain the validity of a Lehi City business license for any child day care, the applicant must obtain and keep valid a Utah Department of Health child care certificate. Any child day care home occupation must also strictly comply with all other requirements set forth in Utah Admin. Code § R430-50-1, *et seq.*

D. For child day care and in-home child instruction, the backyard of the home is required to be fully fenced and all gates shall have self-closing latches.

E. For any business expecting patrons, including but not limited to salons, daycare, in-home child instruction, etc., the applicant must pass a fire and safety inspection prior to the issuance of a business license.

**Section 20.050. Prohibited Home Occupations.***(New 12/08/09; 01/08/13)*

For the purpose of protecting residential character, certain types of home occupations are prohibited. Prohibited home occupations include, but are not limited to the following professions and business activities, and those of a similar nature:

A. Body art facilities;

B. Clinics, hospitals, and related medical/dental facilities;

C. Animal/veterinary clinics;

D. Restaurants;

E. Auto, truck, or recreational vehicle repair services;

F. Construction or landscape maintenance businesses that require equipment or vehicles to be stored at the home;

G. Ambulance services;

H. Automobile sales, auto parts sales;

I. Retail sales businesses (excluding internet sales).

**Section 20.060 Appeals.** *(Amended 01/08/13)*

If an applicant for a Home Occupation Permit is either denied a permit or desires to appeal any condition of approval placed on the application by the Zoning Administrator, the applicant may present an appeal to the Board of Adjustment within ten (10) days of the decision, as per Section 03.040. The applicant will notify the Zoning Administrator, in writing, of the appeal. The Zoning Administrator will schedule an appeal hearing with the Board of Adjustment and provide no less than fourteen (14) days public notice consistent with the notification procedures of Section 03.080. At the hearing the Board of Adjustment may hear from the Zoning Administrator, staff, applicant, public and other interested parties prior to making a decision on the appeal. Following the hearing, the Board of Adjustment may approve, approve with conditions, or deny the appeal.

**Section 20.070. Noncompliance and Revocation.**

Any Home Occupation Permit shall be revoked by the Zoning Administrator upon violation of any of the requirements of this Chapter, or upon failure to comply with any condition(s) of the permit, unless the violation is corrected within ten (10) days of receipt

of written notice of the violation. A permit may be revoked for repeated violations of the requirements of this Chapter, notwithstanding compliance to the violation notice.

**Section 20.080. Business License Required.**

*(New 12/08/09)*

A Home Occupation Permit is not a business license, and the granting of said permit shall not relieve the permittee of any other license requirement of the City or of any other public agency.